

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA

FILED

FEB 19 2020

U.S. DISTRICT COURT  
ELKINS WV 26241

UNITED STATES OF AMERICA,

v.

LEMONTE GREEN,  
BRAYAN MENGOU,  
ALIEU T. CRAYTON,  
AMBER NICOLE DOWNING,  
LAKEN STOUTER,  
PAUL STOUTER, and  
TERRY ROBERT GARVER.

Defendants.

Criminal No.

3:20-CR- 8

Violations:

18 U.S.C. § 2  
18 U.S.C. § 371  
18 U.S.C. § 922(a)(3)  
18 U.S.C. § 922(a)(5)  
18 U.S.C. § 922(a)(6)  
18 U.S.C. § 922(g)(1)  
18 U.S.C. § 924(a)(1)(D)  
18 U.S.C. § 924(a)(2)  
18 U.S.C. § 924(c)(1)(A)  
21 U.S.C. § 841(a)(1)  
21 U.S.C. § 841(b)(1)(C)  
21 U.S.C. § 846

**INDICTMENT**

The Grand Jury charges that:

**COUNT ONE**

(Conspiracy)

1. From on or about October 21, 2019, to on or about October 31, 2019, in Berkeley County in the Northern District of West Virginia and elsewhere, the defendants **LEMONTE GREEN, BRAYAN MENGOU, ALIEU T. CRAYTON, AMBER NICOLE DOWNING, LAKEN STOUTER, PAUL STOUTER, and TERRY ROBERT GARVER** unlawfully, knowingly and willfully did combine, conspire, confederate and agree together and with each other and with other persons known and unknown to the grand jury to commit an offense against the United States, to wit, to purchase, possess, and transfer firearms, to transfer handguns to an out of

state resident, and to transfer firearms to a prohibited person, all in violation of the Gun Control Act, 18 United States Code, Sections 922(a), 922(g), 924(a).

#### **MANNER & MEANS**

2. It was a part of the conspiracy that the defendants would purchase firearms from Federal Firearms Licensees (“FFLs”) in Berkeley County, West Virginia.

3. At the request of Defendants **LAKEN STOUTER** and **PAUL STOUTER**, Defendant **TERRY ROBERT GARVER** would purchase firearms and complete the ATF Form 4473 averring that he was the true purchaser of the firearms.

4. After Defendant **TERRY ROBERT GARVER** purchased and acquired the firearms, **LAKEN STOUTER** and **PAUL STOUTER** would transfer the firearms to Ryan Terrell Kerns Thomas in exchange for a quantity of controlled substances.

5. Defendants **BRAYAN MENGOU**, **LEMONTE GREEN**, and **ALIEU T. CRAYTON** would travel to West Virginia to acquire the firearms from Ryan Terrell Kerns Thomas.

6. Defendants **BRAYAN MENGOU**, a prohibited person and resident of Maryland, **LEMONTE GREEN**, a resident of Maryland, and **ALIEU T. CRAYTON**, a prohibited person and resident of Maryland, would then possess the firearms in the State of Maryland.

7. Defendant **AMBER NICOLE DOWNING** would purchase a firearm and complete the ATF Form 4473 averring that she was the true purchaser of the firearm.

8. After defendant **AMBER NICOLE DOWNING** purchased and acquired the firearm, she would transfer the firearm to Ryan Terrell Kerns Thomas, a prohibited person and resident of Maryland, in exchange for money and a quantity of controlled substances.

**OVERT ACTS**

9. In furtherance of the conspiracy and to effect the objects of the conspiracy the following overt acts, among others, were committed in the Northern District of West Virginia and elsewhere:

- a. On or about October 23, 2019, in Berkeley County, in the Northern District of West Virginia, defendant **TERRY ROBERT GARVER**, in connection with the acquisition of a firearm, that is a Glock 19 9mm pistol, bearing serial number ACSW931, from Ray's Guns, a FFL, knowingly made a false and fictitious written statement to Ray's Guns, which statement was intended and likely to deceive Ray's Guns, as to a fact material to the lawfulness of such sale, under chapter 44 of Title 18, in that the defendant represented himself to be the actual purchaser of the firearm, when in fact, he was not the true purchaser of the firearm;
- b. On or about October 23, 2019, in Berkeley County, in the Northern District of West Virginia, defendant **TERRY ROBERT GARVER**, in connection with the acquisition of a firearm, that is a Glock 21, 40 S&W caliber pistol, bearing serial number BLXV621, from Valley Guns II, a FFL, knowingly made a false and fictitious written statement to Valley Guns II, which statement was intended and likely to deceive Ray's Guns, as to a fact material to the lawfulness of such sale, under chapter 44 of Title 18, in that the defendant represented himself to be the actual purchaser of the firearm, when in fact, he was not the true purchaser of the firearm;
- c. On or about October 23, 2019, in Berkeley County in the Northern District of West Virginia and elsewhere, defendant **BRAYAN MENGOU**, a prohibited person,

traveled to Berkeley County, in the Northern District of West Virginia, to obtain firearms, specifically a Glock 19, 9mm pistol, bearing serial number ACSW931 and a Glock 23, 40 S&W caliber pistol, bearing serial number BLXV62, and then traveled back to the State of Maryland where he then resided;

- d. On or about October 23, 2019, in Berkeley County in the Northern District of West Virginia and elsewhere, defendant **LEMONTE GREEN**, a resident of the State of Maryland, traveled to Berkeley County, in the Northern District of West Virginia, to obtain firearms, specifically a Glock 19, 9mm pistol, bearing serial number ACSW931 and a Glock 23, 40 S&W caliber pistol, bearing serial number BLXV62, and then traveled back to the State of Maryland where he then resided;
- e. On or about October 23, 2019, in Berkeley County in the Northern District of West Virginia and elsewhere, defendant **ALIEU T. CRAYTON**, a prohibited person, traveled to Berkeley County, in the Northern District of West Virginia, to obtain the firearms, specifically a Glock 19, 9mm pistol, bearing serial number ACSW931 and a Glock 23, 40 S&W caliber pistol, bearing serial number BLXV62, and then traveled back to the State of Maryland where he then resided;
- f. On or about October 23, 2019, in Berkeley County, in the Northern District of West Virginia, defendant **AMBER NICOLE DOWNING**, in connection with the acquisition of a firearm, that is a Smith & Wesson, Model M&P Shield, .40 caliber pistol, from Ray's Guns, a FFL, knowingly made a false and fictitious written statement to Ray's Guns, which statement was intended and likely to deceive Ray's Guns, as to a fact material to the lawfulness of such sale under chapter 44 of Title 18,

in that the defendant represented herself to be the actual purchaser of the firearm, when in fact, she was not the true purchaser of the firearm;

- g. On or about October 28, 2019, in Berkeley County, in the Northern District of West Virginia, defendant **AMBER NICOLE DOWNING** retrieved a firearm, that is a Smith & Wesson, Model M&P Shield, .40 caliber pistol, from Ray's Guns, a FFL, and transferred the firearm to Ryan Terrell Kerns Thomas; and
- h. other overt acts.

All in violation of Title 18, United States Code, Section 371.

**COUNT TWO**

(Conspiracy to Distribute Fentanyl)

From on or about July 1, 2019 to on or about October 31, 2019, in Berkeley County, in the Northern District of West Virginia, and elsewhere, defendants **LEMONTE GREEN** and **AMBER NICOLE DOWNING**, did knowingly and intentionally combine, conspire, confederate, agree and have a tacit understanding together with each other, and with persons known and unknown to the Grand Jury to violate Title 21, United States Code, Section 841(a)(1). It was a purpose and object of the conspiracy to possess with intent to distribute, and to distribute a mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substance; in violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(C).

**COUNT THREE**

(False Statement During Purchase of Firearm)

On or about October 23, 2019, in Berkeley County, in the Northern District of West Virginia, defendant **TERRY ROBERT GARVER**, in connection with the acquisition of a firearm, that is a Glock 19 9mm pistol, bearing serial number ACSW931, from Ray's Guns, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to Ray's Guns, which statement was intended and likely to deceive Ray's Guns, as to a fact material to the lawfulness of such sale of the said firearm to defendant **TERRY ROBERT GARVER** under chapter 44 of Title 18, in that the defendant represented himself to be the actual purchaser of the firearm, when in fact, he was not the true purchaser of the firearm; in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

**COUNT FOUR**

(False Statement During Purchase of Firearm)

On or about October 23, 2019, in Berkeley County, in the Northern District of West Virginia, defendant **TERRY ROBERT GARVER**, in connection with the acquisition of a firearm, that is a Glock 23, 40 S&W caliber pistol, bearing serial number BLXV621, from Valley Guns II, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to Valley Guns II, which statement was intended and likely to deceive Valley Guns II, as to a fact material to the lawfulness of such sale of the said firearm to defendant **TERRY ROBERT GARVER** under chapter 44 of Title 18, in that the defendant represented himself to be the actual purchaser of the firearm, when in fact, he was not the true purchaser of the firearm; in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).



**COUNT FIVE**

(Aiding and Abetting Illegal Transportation or Receipt in State of Residency of Firearms  
Purchased or Acquired Outside of State of Residency)

On or about October 23, 2019 in Berkeley County, in the Northern District of West Virginia, defendants **BRAYAN MENGOU, LEMONTE GREEN, and ALIEU T. CRAYTON**, aiding and abetting each other, not being licensed importers, manufacturers, dealers, and collectors of firearms, within the meaning of Chapter 44, Title 18, United States Code, willfully did transport into the State of Maryland, where the defendants then resided, a Glock 19 9mm pistol bearing serial number ACSW931 and a Glock 23, 40 S&W caliber pistol, bearing serial number BLXV621, said firearms having been obtained by defendants **BRAYAN MENGOU, LEMONTE GREEN, and ALIEU T. CRAYTON** from Ryan Terrell Kerns Thomas outside the State of Maryland, in violation of Title 18, United States Code, Sections 2, 922(a)(3), and 924(a)(1)(D).

**COUNT SIX**

(Aiding and Abetting Transfer of Firearms to Out-of-State Resident)

On or about October 23, 2019 in Berkeley County, in the Northern District of West Virginia, defendants **TERRY GARVER, LAKEN STOUTER, and PAUL STOUTER**, aiding and abetting each other, not being licensed importers, manufacturers, dealers, and collectors of firearms, within the meaning of Chapter 44, Title 18, United States Code, did willfully transfer firearms, that is a Glock 19 9mm pistol bearing serial number ACSW931 and a Glock 23, 40 S&W caliber pistol, bearing serial number BLXV621, to Ryan Terrell Kerns Thomas, said person not being a licensed importer, manufacturer, dealer, and collector of firearms within the meaning of Chapter 44, Title 18, United States Code, and knowing and with reasonable cause to believe that said persons were not then residing in the State of West Virginia, the State in which defendants **TERRY ROBERT GARVER, LAKEN STOUTER, and PAUL STOUTER** were residing at the time of the aforesaid transfer of the firearms, in violation of Title 18, United States Code, Sections 2, 922(a)(5), and 924(a)(1)(D).

**COUNT SEVEN**

(Unlawful Possession of Firearms)

On or about October 23, 2019, in Berkeley County, in the Northern District of West Virginia and elsewhere, defendant **BRAYAN MENGOU**, knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, that is the felony offense of Second Degree Assault in the Circuit Court of Washington County, Maryland in Criminal Case Number 21-K-17-053366, did knowingly possess firearms, that is a Glock 19 9mm pistol bearing serial number ACSW931 and a Glock 23, 40 S&W caliber pistol, bearing serial number BLXV621, said firearms having been shipped and transported in interstate commerce; in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

**COUNT EIGHT**

(Unlawful Possession of Firearms)

On or about October 23, 2019, in Berkeley County, in the Northern District of West Virginia and elsewhere, defendant **ALIEU T. CRAYTON**, knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, that is the felony offense of Illegal Possession of a Regulated Firearm in the Circuit Court of Montgomery County, Maryland in Criminal Action Number 133489-C, did knowingly possess firearms, that is a Glock 19 9mm pistol bearing serial number ACSW931 and a Glock 23, 40 S&W caliber pistol, bearing serial number BLXV621, said firearms having been shipped and transported in interstate commerce; in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

**COUNT NINE**

(Possession of a Firearm in Furtherance of a Drug Trafficking Crime)

On or about October 23, 2019, in Berkeley County, in the Northern District of West Virginia and elsewhere, the defendant **LEMONTE GREEN**, did knowingly possess firearms, that is a Glock 19 9mm pistol bearing serial number ACSW931 and a Glock 23, 40 S&W caliber pistol, bearing serial number BLXV621, in furtherance of a drug trafficking crime for which the defendant may be prosecuted in a court of the United States, that is distribution of fentanyl; in violation of Title 18, United States Code, Section 924(c)(1)(A).

**COUNT TEN**

(False Statement During Purchase of Firearms)

On or about October 23, 2019, in Berkeley County, in the Northern District of West Virginia, defendant **AMBER NICOLE DOWNING**, in connection with the acquisition of a firearm, that is a Smith & Wesson, Model M&P 40 Shield, .40 S&W caliber pistol bearing serial number JCN4059, from Ray's Guns, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to Ray's Guns, which statement was intended and likely to deceive Ray's Guns, as to a fact material to the lawfulness of such sale of the said firearm to defendant **AMBER NICOLE DOWNING** under chapter 44 of Title 18, in that the defendant represented herself to be the actual purchaser of the firearm, when in fact, she was not the true purchaser of the firearm; in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

**COUNT ELEVEN**

(Aiding and Abetting Possession with Intent to Distribute Fentanyl)

On or about October 28, 2019, in Berkeley County, in the Northern District of West Virginia and elsewhere, defendant **AMBER NICOLE DOWNING**, aiding and abetting a person known to the grand jury, did unlawfully, knowingly, intentionally, and without authority possess with intent to distribute a mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substance; in violation of Title 18, United States Code, Section 2 and Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

**FORFEITURE ALLEGATION**

*Gun Control Act*

Pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d)(1), the government will seek the forfeiture of any firearm and any ammunition involved in or used in any knowing violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2), a Glock 19 9mm pistol bearing serial number ACSW931, a Glock 23, 40 S&W caliber pistol, bearing serial number BLXV621, a Smith & Wesson, Model M&P 40 Shield, .40 S&W caliber pistol bearing serial number JCN4059, and 101 rounds of assorted ammunition.

*Controlled Substance Act*

Pursuant to Title 21, United States Code, Section 853 and Title 21, United States Code, Section 841(a)(1) and (b)(1)(C), the government will seek the forfeiture of property as part of the sentence imposed in this case; that is, the forfeiture of any property used, or intended to be used, to commit or to facilitate the commission of the above referenced offense, and any property constituting, or derived from, proceeds obtained directly or indirectly, as a result of such offense.

A True Bill,

/s/ \_\_\_\_\_  
Grand Jury Foreperson

/s/ \_\_\_\_\_  
WILLIAM J. POWELL  
UNITED STATES ATTORNEY

Lara K. Omps-Botteicher  
Assistant United States Attorney